IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2359 OF 2005

Jagdish G. Patel & Ors. .. Petitioners

V/s

State of Maharashtra & Ors. .. Respondents

Mr.V.A. Sugdare for the Petitioners.

Mrs.M. Kajale for Respondents No.1, 3 and 4.

Mr.Anil Singh with Mr.D.R. Shah for Respondent No.6.

Mr.Uttpal Thakkar with Mr.U.G. Utangale for Respondent No.2.

Mr.Vipin Kamdi for Respondent No.7.

CORAM : H.L. GOKHALE & S.R. DONGAONKAR, JJ.

DATE : 18TH APRIL 2006

P.C. :

1. Heard the counsel for the parties.

2. This petition is filed by six shopkeepers in a slum area which is being developed in a Slum Rehabilitation Project. The grievance is being made that they are not being given shops in the newly constructed building on the frontage. We have been shown the plan of the new building. There is no such

frontage available to any of the shops in the rehabilitation building. All the shops are on the ground floor. The Petitioners are getting the shops in view of their shops which were there in the slum. They are not required to contribute a single paisa towards this reconstruction and now on the top of it, they are making grievance and avoiding to shift.

3. Mr.Sugdare, learned counsel appearing for the Petitioners, submitted that the appropriate lots were not drawn. In the reply filed by Respondent No.6, it has been explained that an organisation known as Slum Rehabilitation Society, which is an assisting agency, had participated and then the tenements were allotted. AS far as the shops are concerned, the area which was available to the erstwhile shops has been taken into consideration and accordingly the new shops are allotted with equivalent area and at times, larger area. In our view, there is no reason to keep this petition pending. Petition is dismissed. Injunction granted earlier will stand vacated.

4. We had asked Mr.Sugdare as to when the Petitioners will shift to the shops allotted to them. He has declined to make any statement. In view thereof, the Collector, who is in-charge of removal of

encroachment, will proceed to take steps to remove these slum shops in accordance with the law. He will recover the cost of that proceedings from these Petitioners when the proceedings are taken out. The Collector will proceed forthwith on a letter from the society enclosing a copy of the order passed by this Court and will endeavour to decide within 4 weeks.

(H.L. GOKHALE, J.)

(S.R. DONGAONKAR, J.)